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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,494	06/15/2001	Jeff Davison	257/289	8329

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EXAMINER

MEKY, MOUSTAFA M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,494

Applicant(s)

DAVISON, JEFF

Examiner

Moustafa M. Meky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 42 and 43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/25/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

RD

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1. The response to the restriction requirement filed 3/21/2005 has been entered and considered by the examiner.
2. Claims 1-41 are presenting for examination.
3. Claim 28 recites the limitation "the data collector" in line 1. There is insufficient antecedent basis for this limitation in the claim.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Fernandez (US Pat. No. 6,785,673).

6 As to claim 28, Fernandez shows in Fig 1, a web (the web 130)-based data server system for transmitting data to a web (the web 130)-enabled client (represented by the application 120, see col 6, line 64), comprising:

a web enabler agent 106 for reading (merges) the data (tuple streams) from a structured data formatted data (SQL format, see col 7, lines 21-22) storage system 110, converting the data (tuple streams) from a structured data format (SQL format) to a markup language format (XML)

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, and transmitting (returning) the converted data to the web client 120, see col 7, lines 20-28, col 12, lines 61-65, col 13, lines 29-32.

7. As to claim 29, the markup language format comprises XML, see col 7, lines 25-27, col 12, lines 64-65, col 13, lines 30-32.

8. As to claim 30, the markup language format comprises HTML, see col 13, lines 50-52.

9. As to claim 31, the structured data format comprises SQL, see col 7, lines 21-22, col 12, lines 61-62, col 13, lines 33-35.

10. As to claims 32-33, converting the structured data storage format (SQL format) to the markup language format (XML and/or HTML) by using mapping function, see col 3, lines 12-13.

11. As to claim 34, the system is written in an open scripting language, see col 7, lines 50-55, col 8, lines 18-25, and the RXL codes in col 10, col 11, lines 42-55, col 14, lines 52-67, and the RXL code in col 16.

12. As to claim 35, the system of Fernandez is inherently continuously running (there is no indication in the patent of Fernandez that his system would be not running in any period of time).

13. As to claims 36-37, the system of Fernandez further comprising a web-based administrator module 110 for configuring and maintaining the server system and to allow the mapping, see col 12, lines 63-65, col 13, lines 33-36.

14. As to claims 38-39, the markup language format items are XML tags and/or HTML tags and the structured data storage format items are database items in a relational database, see col 2, lines 63-65, col 6, lines 21-23, lines 48-50, col 7, lines 17-27, col 12, lines 63-65, col 13, lines 29-31, lines 50-52, col 14, lines 11-12.

15. As to claims 40-41, the system of Fernandez further comprising a web-enabled client (represented by the application 120 which is a part of the web client) for inherently converting markup language (XML) into structured data format data (SQL) and inherently storing the data using different data models, see col 1, lines 40-48.

16. As to claims 1-27, the claims are similar in scope to claims 28-41 in which the web client system (represented by the application 120 which is a part of the web client system) and the client system having web data collector (not shown in the Fig) for determining the server (such the supplier) using URL (data source identifying information, see col 5, lines 37-67). Also, the collector inherently converting the data from a markup language format (XML and or HTML) to a structured data storage format (SQL) and storing the converted data in a storage system, see col 1, lines 40-48. Also, Fig 1 shows only one server and one client for simplicity and the system of Fernandez comprises a plurality of clients having their own data collectors and a plurality of servers. See paragraphs 6-15 for addressing the claimed limitations.

Therefore, it can be seen from paragraphs 6-16 that Fernandez anticipates claims 1-41.

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

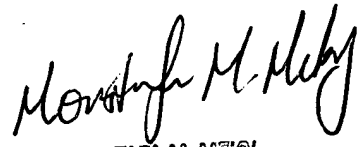
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MMM
06/10/2005


MOUSTAF A M. M ESY
PRIMARY EXAMINER